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Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/376,512 08/18/99 PELEG

S 66371

022242 TM02/1002  
FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO IL 60603-3406

EXAMINER

CHAVIS, J

ART UNIT

PAPER NUMBER

2122

DATE MAILED:

10/02/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/376,512

Applicant(s)

Peleg

Examiner

John Chavis

Art Unit

2122



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8/18/99 and 3/17/00
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 20) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuzumi et al. (JP404242829A).

Claims

1. A method for generating a compact difference result between an old program and a new program; each program including reference entries that contain reference that refer to other entries in the program; the method comprising the steps of:

(A) scanning the old program and for substantially each reference entry perform steps that include:

(I) replacing the reference of said entry by a distinct label mark, whereby a modified old program is generated;

(B) scanning the new program and for substantially each reference entry perform steps that include:

(I) replacing the reference of said entry by a distinct label mark, whereby a modified new program is generated;

Okuzumi

See the abstract of the invention, specifically the portion labeled Purpose.

See the first line of the constitution.

see the first and second sentence of The Constitution; which indicates That an old order table is generated

See again the first line of the purpose And the constitution.

note also at the location specified Above that a new order table is also Generated.

(C) generating said difference result utilizing directly or indirectly at least said modified old program and modified new program.

see the update information table also in the constitution, which helps to Generate an update reflection Output (difference result).

2. ...transmitting...difference result over a... Network.

This feature is considered inherent Via the last sentence of the Constitution and the purpose to Enable automatic update Reflection outputs.

3. ...wherein said network includes the internet.

see claim 2, supra.

4. ...storing...difference result on a storage medium.

this feature is also considered Inherent via the rejections above.

Claims 5-7, 8-10, 14-16, 18-20, 21-23, 39-41, 42-44, 48-50, 52-54, 55-57 are rejected as claim 1-3, supra.

For the rejection of claims 11, 13, 17, 24, 26, 28, 31, 34, 38, 45, 47, 51, 58, 60, 65, 68, see the rejection of claim 4.

As per claims 12, 25, 35, 46, 59, see the rejections of claim 1, respectively.

In reference to claim 27, 61, 62, see the rejection of claims 1-4.

The features of claims 29, 32, 36, 63, 66 are taught via claim 2.

Claims 30, 33, 37, 64, 67 are rejected as claim 3.

3. Claims 1-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenji et al.

(JP 05091550 A).

Claims

1. A method for generating a compact difference result between an old program and a new program; each program including reference entries that contain reference that refer to other entries in the program; the method comprising the steps of:

(A) scanning the old program and for substantially each reference entry perform steps that include:

(I) replacing the reference of said entry by a distinct label mark, whereby a modified old program is generated;

(B) scanning the new program and for substantially each reference entry perform steps that include:

(I) replacing the reference of said entry by a distinct label mark, whereby a modified new program is generated;

(C) generating said difference result utilizing directly or indirectly at least said modified old program and modified new program.

2. ...transmitting...difference result over a... Network.

Kenji

See the abstract of the invention, specifically the portion labeled Purpose.

See the first line of the constitution.

see the first thru fourth sentences of The Constitution; which indicates That an old address and data is Extracted to create the difference Program; which is downloaded for The update. With just the difference Portion downloaded, it is clear that The old program is updated by Replacing portions (reference) of the old program.

See again the first line of the purpose And the constitution.

note also at the location specified Above in step A (I).

see the first line of the constitution which indicates that both the new And the old programs are compared To generate the difference program.

This feature is considered inherent Via the third sentence of the Constitution and the purpose to

Minimize loading quantity.

3. ...wherein said network includes the internet.

see claim 2, supra.

4. ...storing...difference result on a storage medium.

this feature is also considered  
Inherent via the rejections above to  
Enable future comparisons and  
updates of data.

Claims 5-7, 8-10, 14-16, 18-20, 21-23, 39-41, 42-44, 48-50, 52-54, 55-57 are rejected as claim 1-3, supra.

For the rejection of claims 11, 13, 17, 24, 26, 28, 31, 34, 38, 45, 47, 51, 58, 60, 65, 68, see the rejection of claim 4.

As per claims 12, 25, 35, 46, 59, see the rejections of claim 1, respectively.

In reference to claim 27, 61, 62, see the rejection of claims 1-4.

The features of claims 29, 32, 36, 63, 66 are taught via claim 2.

Claims 30, 33, 37, 64, 67 are rejected as claim 3.

Although not specifically cited, other references provided are considered pertinent to the applicant's invention. For example, the patents to both Marron (5,359,730) and Hill (5,761,649) provides for updating data from a remote site with just the changed portions.

4. Any inquiry concerning this communication or earlier

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communications from the examiner should be directed to Examiner Chavis whose telephone number is (703) 305-9665. The examiner can normally be reached on Monday-Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached on (703) 305-9703. The fax phone number for this Group is (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



TUAN Q. DAM  
PRIMARY EXAMINER

JQC  
September 24, 2001